

C4 10  
25. The obstetrical vacuum extractor of claim 1 wherein the lip has an inner proximal edge terminating subjacent the side wall.

Please cancel claims 4, 6, 11, and 15, without prejudice.

REMARKS

The Office Action mailed July 8, 1998, allowed claims 21 and 22, and objected to claims 9-13 and 15 as being dependent a rejected base claim. The Office Action further indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 11 and 15 have been rewritten in independent form as newly added claims 23 and 24, and original claims 11 and 15 have been cancelled. Claims 12 and 13 have been amended to depend from newly added claim 23. It is respectfully submitted that these claims are now in form for allowance.

The Office Action has additionally rejected claims 1, 2, 4-8, and 16-20 under 35 U.S.C. § 102(e) as being anticipated by the newly cited Lindsay reference. The Office Action additionally rejects claims 3 and 14 under 35 U.S.C. § 103(a) as being obvious over the Lindsay reference alone. Claims 1 and 16 of the application have been amended to more clearly define and describe the invention, specifically indicating that the lip of the second material is molded along the side wall edge or outwardly flaring edge of the vacuum cup. The applicants respectfully submit that the invention as defined by the current and amended claims of the application is not anticipated by or rendered obvious by the Lindsay reference and respectfully request reconsideration.

A short explanation of the Lindsay reference will be helpful in understanding the differences between the invention as claimed in claims 1-10, 14, and 16-20. At column 5, lines 17-24, Lindsay describes a generally annular, L-shaped or V-shaped protective sleeve

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86 that the indicates "can be positioned over the outer edge 24." (col. 5, ll. 18-19) He further indicates that he sleeve 86 has a first end portion 88 "that is disposable about the lower portion of the side wall 22 of the cup" (col. 5, ll. 19-21). Lindsay indicates that the "first end portion 88 of the sleeve 86 *frictionally engages* the side wall 22 ... to retain the sleeve 86 on the cup 12 when ... disposed about the lower portion of the cup." (col. 5, ll. 25-30).

The clear import of these passages, and, indeed, the whole of the disclosure related to the protective sleeve 86, is that the sleeve 86 is separately molded from the cup 12, and then assembled onto the cup, i.e., it is *disposable about* a lower portion of the side wall of the cup. This interpretation is reinforced by even a cursory review of Figure 6 of the Lindsay patent, which illustrates that the sleeve 86 is of a relatively uniform cross-section which includes a blunt upper edge of the first end portion 88 having a top surface which is at a generally normal angle to the outer surface of the first end portion, as well as the inner surface adjacent the cup. Had Lindsay been attempting to disclose a protective sleeve 86 which was molded onto the cup side wall, he surely would have illustrated these upper edges as tapering against the outer surface of the cup. Rather, Lindsay specifically indicates that the sleeve "frictionally engages" the side wall. In sharp contrast, claim 1, as amended, specifically claims a "lip being molded along the side wall edge adjacent the cup opening." Similarly, claim 16, as amended, specifically claims a "post-molded lip molded on the outwardly flaring edge of the vacuum cup." While claim 17 has not been further amended, it similarly claims "molding a lip of a polymeric second material along the cup opening." Not only does the Lindsay reference fail to disclose a cup comprising a molded-on lip, it fails to appreciate that the lip may be so molded directly to the cup. Accordingly, Lindsay cannot anticipate or render obvious independent claims 1, 16, and 17 as they presently stand, as well as the claims depending therefrom.

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Finally, the Lindsay reference clearly does not disclose the invention as claimed in newly added claim 25 or in claim 16, which both specifically claim that the lip has an inner proximal edge terminating subjacent the side wall or outwardly flaring edge. This structure enhances the stability of the lip relative to the cup by providing additional bonding surface for molding the lip to the cup or for mechanically coupling the lip to the cup as claimed in, for instance, claims 9 and 10. Lindsay clearly does not disclose or appreciate the structure and operation of this feature the applicants' invention. Rather, it utilizes a frictional engagement as discussed above. Accordingly, Lindsay cannot render either claim 16 or 25 as anticipated or obvious.

#### Conclusion

For the above stated reasons, it is submitted that the Lindsay reference does not disclose or appreciate the invention as claimed in the claims as currently pending. Accordingly, The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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